

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**November 19, 2009**

DIVISION ONE

B209220      Notaro      (Not for Publication)  
v.  
Spitzberg

The order is affirmed. Respondent Mathilde Notaro is entitled to costs on appeal.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Johnson, J.

B214365      Smith                                  (Not for Publication)  
v.  
Harris, et al.

The order of December 23, 2008, is affirmed. Cross-defendants are entitled to costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.  
Chaney, J.

## November 19, 2009 (Continued)

## DIVISION ONE (continued)

B214220 People (Not for Publication)  
v.  
J.G.

The judgment is affirmed.

Chaney, J.

We concur:   Mallano, P.J.  
                      Rothschild, J.

[illegible]

The judgment is modified to strike the 10-year street gang enhancement under section 186.22, subdivision (b)(1), and the cause is remanded to the trial court for resentencing. In all other respects the judgment is affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

B211062      People      (Not for Publication)  
v.  
Garcia

The judgment is reversed.

Rothschild, Acting P.J.

We concur: Chaney, J.  
Johnson, J.

## DIVISION ONE (continued)

B213804 People (Not for Publication)  
v.  
C.G.

The superior court is directed to correct the clerical error in the order of wardship so that the order no longer states that C.G. is placed on probation without wardship under section 725, subdivision (a), but rather is declared a ward of the court and placed home on probation. The order of wardship is otherwise affirmed.

Rothschild, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

B213738 People (Not for Publication)  
v.  
Day

The judgment is affirmed.

Mallano, P.J.

We concur: Chaney, J.  
Johnson, J.

B213734 People (Not for Publication)  
v.  
Silva

The judgment is affirmed.

Mallano, P.J.

We concur:   Rothschild, J.  
                      Chaney, J.

November 19, 2009 (Continued)

## DIVISION ONE (continued)

[illegible]

Defendant is awarded one additional day of presentence custody credit. In all other respects, the judgment is affirmed. On remand, the trial court is directed to issue an amended abstract of judgment reflecting 181 days of presentence custody credit and the imposition of a \$20 court security fee pursuant to Penal Code section 1465.8.

Mallano, P.J.

We concur:    Chaney, J.  
                         Johnson, J.

B208832      Vidikan      (Not for Publication)  
v.  
Sommers

The judgment is affirmed.

Chaney, J.

We concur:   Mallano, P.J.  
                      Johnson, J.

## DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B214519 DCFS v. F.P.  
B214786 DCFS v. C.B.  
B213698 People v. T.T.  
B214095 People v. Packard

DIVISION TWO (continued)

Each of the following (continued):

B211262 People v. Ayala  
B209692 People v. Velez  
B214625 In re Mickey F.  
B214727 People v. J.G.  
B210551 People v. Smith  
B213337 DCFS v. H. L.

Argument waived, cause submitted.

B210766     People  
              v.  
              Moorehead

Merits:

Argued by James Barnes for appellant and by Robert Henry, Deputy Attorney General for respondent. Cause submitted.

B207282     People  
              v.  
              Allen, et al.

Merits:

Argued by Leonard Klaif, Jonathan Milberg and Christine Shavers for appellants. Oral argument previously waived by respondent. Cause submitted.

B211652     Manzanares  
              v.  
              Bertolino et al.  
              Marcus Watnanbe Synder & Dave LLP

Merits:

Argued by David Marcus for appellants and by Michael Scott for respondents. Cause submitted.

DIVISION TWO (continued)

B209485      Stites  
                 v.  
                 Hilton Hotels Corporation, et al.

Merits:  
Argued by Aaron Stites for appellant and by Glenn Plattner for respondents.  
Cause submitted.

B211043      Belanger, et al.  
                 v.  
                 Pipeline Utilities Inc.

Merits:  
Argued by John Birke for appellants and by Michael Taurek for respondent.  
Cause submitted.

B209600      Winston  
                 v.  
                 Taxi Productions Inc., et al.

Merits:  
Argued by Stephen Contopulos for appellants and by Michelle Hill for  
appellant. Cause submitted.

Court in recess.

Court reconvened at 1:00 p.m.

Present: Boren, P.J., Doi Todd, J., Ashmann-Gerst, J., Chavez, J. and Jim Guzman,  
Deputy Clerk.

DIVISION TWO (continued)

B210165     Lynwood Redevelopment Agency  
              v.  
              Angeles Field Partners LLC

Merits:

Argued by Bryan Thomas for appellants and by Bruce Gridley for respondent. Cause submitted.

B212074     Guessous, et al.  
              v.  
              Chrome Hearts, LLC.

Merits:

Argued by Brent Blakely for appellant and by Robert Meyland for appellants. Cause submitted.

B219354     Kim, et al.  
              v.  
              Superior Court, Los Angeles County  
              (Wilshire State Bank, r.p.i.)

Merits:

Argued by Christopher Caldwell for petitioner and by Sam Oh for real party in interest. Cause submitted.

B211842     Jamgotchian  
              v.  
              California Horse Racing Board, et al.

Merits:

Argued by Ronald Caswell for appellant and by Jennifer Hemderson for respondents. Cause submitted.

## DIVISION TWO (continued)

B216250 City of Anaheim, et al.  
v.  
Superior Court, Los Angeles County  
(Priceline Com Inc., r.p.i.)

Merits:

Argued by William Larson for petitioners and by Elwood Lui for real party in interest. Cause submitted.

Court adjourned.

B201439      Dowell, et al.  
v.  
Pacesetter, Inc., et al.  
Biosense Webster, Inc.

Filed order denying petition for rehearing.

B201439      Dowell, et al.  
v.  
Pacesetter, Inc., et al.  
Biosense Webster, Inc.

Filed order certifying opinion for publication.

## DIVISION THREE

B215268      People      (Not for Publication)  
v.  
Randall Earl Williams

The judgment is affirmed.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.



### DIVISION THREE (continued)

B204047 Davis (Certified for Publication)  
B205914 v.  
Form Motor Credit Company

The judgment of dismissal, and the postjudgment order denying Ford's motion for attorney fees, are affirmed. The parties shall bear their respective costs on appeal.

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

## DIVISION FOUR

B212085 People (Not for Publication)  
v.  
Escajeda

The judgment is affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B214409      People                        (Not for Publication)  
v.  
Lee

The judgment is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

## DIVISION FOUR (continued)

[illegible]

The judgment is affirmed.

Willhite, Acting P.J.

We concur: Manella, J.  
Suzukawa, J.

B213546      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
J.M.

The orders of the juvenile court are affirmed.

Epstein, P.J.

We concur: Willhite, J.  
Suzukawa, J.

B215454      Barboza, et al.      (Certified for Publication)  
v.  
West Coast Digital GSM, Inc., et al.

The order is affirmed. Plaintiffs shall not recover their costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Manella, J.

DIVISION FOUR (continued)

B213099      Galleria Plus, Inc.                      (Certified for Publication)

v.

Hanmi Bank

David D. Kim & Associates

The order awarding sanctions is reversed. Appellant to have its costs on appeal.

Epstein, P.J.

We concur: Willhite, J.

Manella, J.

B211054      Go    (Certified for Partial Publication)

v.

Pacific Health Services, Inc., et al.

The order of September 19, 2008, is affirmed. The parties are to bear their own costs on appeal.

Willhite, Acting P.J.

We concur: Manella, J.

Suzukawa, J.

B207218      People    (Not for Publication)

v.

Dean

The conviction for receiving stolen property on count 1 is vacated, and the case is remanded for resentencing on counts 2 and 3. The court shall sentence on one of those counts, and impose and stay the sentence on the other count pursuant to section 654. Otherwise, the judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.

Suzukawa, J.

DIVISION FIVE

B210799      William Johnson                      (Certified for Publication)  
                 v.  
                 Honeywell International

The judgment is reversed. Each party to bear their own costs.

Armstrong, J.

We concur:    Turner, P.J.  
                 Kriegler, J.

B208573      People                                      (Certified for Partial Publication)  
                 v.  
                 Cesar Joe Rios

The judgment is modified to reflect 364 days of presentence credits, which includes 47 days of conduct credit. The superior court clerk is to prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Turner, P.J.

I concur:      Kriegler, J.  
I concur:      Mosk, J. (opinion)

B212245      Dennis Michael                      (Not for Publication)  
                 v.  
                 Tina Kaloustian

The judgment is reversed. Appellant(s) to recover costs.

Armstrong, J.

We concur:    Turner, P.J.  
                 Kriegler, J.

## DIVISION FIVE (continued)

B209565      People                                  (Not for Publication)  
v.  
Robert Carrillo

The matter is reversed and remanded to the trial court for resentencing in accordance with this opinion. In all other respects, the judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.  
Kriegler, J.

B205735      Martin Kelly      (Not for Publication)  
v.  
CB & I Constructions, Inc.

The judgment is reversed insofar as it awarded plaintiff \$543,000 in damages for annoyance and discomfort. In all other respects, the judgment is affirmed. No costs are awarded.

Mosk, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

B206803 People  
v.  
Victoria Jean Ferrell, et al.

Filed order modifying opinion. Petition for rehearing is denied. Mosk, J. would grant rehearing. (No change in the judgment)

DIVISION SIX

B212158 People (Not for Publication)  
v.  
Torrez

The clerk of the superior court is ordered to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting that, on counts 5 through 10, appellant was convicted of violating section 288, subdivision (a). As so amended, the judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B211831 People (Not for Publication)  
v.  
Curfman

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

## DIVISION SEVEN

B209539      Stephen Slaughter, et al.      (Not for Publication)  
v.  
Jerry Kohl, et al.

The judgment is affirmed. Defendants are awarded their costs on appeal.

Jackson, J.

We concur: Perluss, P.J.  
Woods, J.

DIVISION SEVEN (continued)

B211949      Martin Stowell                      (Not for Publication)  
                 v.  
                 Brett Markson

The judgment is affirmed. Defendant is to recover his costs of appeal.

Jackson, J.

We concur:    Perluss, P.J.  
                  Zelon, J.